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EMBASSY OF THE
UNITED STATES OF AMERICA

*Hope this is
helpful —*

5/16/78

OFFICIAL INFORMAL

Mr. James Bumpus
ARA/ECA

Ms. Michele Bova
HA/HR

Dear Michele and Jim ---

Our new political secretary, June Kimura, arrived and was with us for a week before they stole our other secretary away to the front office, so here I am again hunting and pecking. A number of things are going on.

REPORTING

After Jack Higgins and Yvonne arrived with fresh pleas for more reporting, Max called a big session in the icebox and told everyone that there would be full reporting as the Embassy was looking bad when information arrived in Washington by public channels which was not conveyed. Max said that we were now to do "garbage can reporting" and throw everything in. There was the usual howls of protest from DAO, [redacted] who felt that all our reports had to put the HR situation here in a proper perspective. Bill Hallman had the great quip later, that the perspective request was like asking our embassy in Berlin in 1938 to lead off each cable with a summary of the Versailles treaty. Anyhow, I have dictated 40 items for the Report. Our one secretary is trying to get them all typed up. We hopefully will now be able to get much of what goes on here on the wire. The trick will be at your end, to sort the wheat from the chaff. I plan to include disappearance and torture tales, as well as stories of policemen taking lost dogs to shelters in the report. Let's see how we come out. Comments appreciated, as always.

HUMAN RIGHTS EVALUATION REPORT

Fred asked earlier for my comments on the Argentine HR Report which was drafted in Jan. 78 but never sent to the Congress. As this is coming up, here are a few worm level comments:

Declassified Case: LW- 84089 Date:
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Page ONE

Introduction

Page 1, Para 3 --- we should add "clandestine abduction" and ~~XXXXXXXXXX~~ "Secret Detention of Prisoners" to the list of general ~~MM~~ charges. We now have hard evidence from ICRC sources of 66 non-recognized prisoners being held by the government.

Para 4 -- "been indications that ~~MM~~ they might move to curb abuses" Not even a good waffle -- it confuses the efforts of the GOA to curb private moonlighting by SY force elements for personal profit or revenge, with efforts to halt the repression which has not yet taken place. What the Military seek is controlled repression. There is an effort to cut out the freebooters.

Para 4 -- soften the "300 pris oners released" as we never got any firm readout on the actual releases. We are flooded with anecdotes pro and con on the release and non-releases.

Para 4 -- Right of option has been suspended de facto for the last month. No one has been approved by the Review Board. Further~~more~~, the first Corps has stopped the travel of the five or so cases who were previously approved for travel. Two theories -- world cupitis or the Board is angry because of Padilla's murder (although the word around is that it was not a leftist operation.)

Para 5 -- Beautiful.

TORTURE -- drop the reference to prison authorities as torturers. You might wish to add a sentence about physical abuse of prisoners, especially during transfers from one penal facility to another. "Routinely" or "frequently" might be added to the last sentence in this section.

Cruel Punishment

Reference should be made here to five cases where persons ~~were~~ were released from jail at nite and then disappeared. One (Lawyer Deghi) body was found several days later after his release from La Plata.

This is tough, but we should include a reference to the belief that many persons have been sumarily executed and their bodies disposed of in the river or by incineration.

Not "some" but "most" PEN prisoners are held without charges. The GOA has taken most of the persons with ~~MM~~ charges off the PEN lists to reduce its Political Prisoner profile. The folks are still locked up, but they are not under PEN.

"overcrowded" quarters would be more accurate. The non recognized prisoners are the ones reported held in tubes etc. Not the PEN folks. They are just packed in.

"incomunicado" This is a tough one as it varies. In Cordoba, there are no letters nor visits (just at Xmas). But in other prisons, there are weekly visits and letters.

The 'many are detained ' sentence on the top of page three is not accurate. What is being confused here is the very brutal punishment meted out to persons for minor infractions of the rules. Among women prisoners - vaginal searches - is an abuse used against tough prisoners. If the girl refuses, then she is put into solitary or given a cold bath. The issue is a atmosphere of repression that exists within the prisons for the political prisoners. There is a constant attempt to "break" the prisoners. There have been reports of isolated instances of mass beatings of prisoners. These are verified by several sources. A detachment of border police came into the jail and systematically beat up each prisoner for two minutes - no more no less - the sarge kepts time.

ICRC inspections began in December 1977.

ARBITRARY ARR EST

Common criminals -- one catch here. The GOA is now holding a number of persons under PEN without charges who are "guilty" of economic charges but the laws have not yet been passed under which they can be sentenced.

There should be a ~~xxx~~ mention of the right of option procedures in the State of Seige Detention Constitutional Authority.

"Detentions have sometimes taken the form of abductions." Sentence is wrong. Detentions by security forces almost always are conducted as clandestine abductions under police arrest cover or other guises, such as medical evacuation.

"Often conducted by overzealous security elements without authorization of the central authorities..." is also false. The security elements are just doing their job. The central authorities, ie Presidency and MinInt, do not approve operations. This authority has been delegated to the military Corps. Here, there is further delegation in some corps such as BA Province and tight control in ~~xx~~ others such as the III Corps. How you put that idea into a short sentence I will leave to youall. The sentence as written is misleading as it implies that the units are "out of control." They are not (with some rare exceptions where operations are run for \$\$\$\$). The collection of the nation's garbage is just as much out of the control of the central authorities as are the security operations. Delegation is the watch word. I might add another word -- deniability or perhaps secrecy to describe the command structure. But what we cannot escape is that there is a system which operates. Please, never forget that this is a military ~~xxxx~~ dictatorship.

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Freed PEN prisoners number ~~at least~~^{well} over a thousand. "We should give credit there."

Again soften the "300 released" reference as we cannot support any number.

GOA has published 3336 names of PEN prisoners as of 5/16 in nine lists issued by the MININT. The GOA announced that it held 3607 Pen prisoners on 12/24/ 77. Since Xmas the government has added 274 persons to the PEN and released 230 persons.

Instead of "terrorist suspects" in the last paragraph, it might be better to say "suspected of subversive activities"

DENIAL OF FAIR TRIAL

Judges have really not been threatened recently. That ended in 1976. Lawyers for leftists do have problems. *(mentioned later in draft)*

There is no such thing as a "State of Seige" case. There are appeals to the courts under the amparo doctrine or habeus corpus protesting continuing detention under the state of seige provisions of the the constitution.

Military trials where non-lawyers are appointed to defend persons accused of serious ~~crimes~~ crimes are being challenged presently as a denial of due process. (Saragovi case)

INVASION OF THE HOME

Looting is under control ; however, there ~~is~~^{stories} ~~are~~ still reports of "booty" being captured by security forces during raids. The San Justo disappearances ~~from~~^{from} Easter thru the first of May contained reports of stolen property and vandalism.

FREEDOM OF THOUGHT

How can you have freedom of thought if you don't have freedom of expression. Just a nit pick.

See the latest HR Events Report for a summary of the ADEPA's complaints re freedom of the press.

Visits of the NAS and AAAS to Argentina might be mentioned in this section.

Jehovah Witness section needs updating. Argentine S/C has upheld Witnesses position about prior restraint, ie you cannot be arrested or prohibited from entry to school for being a witness~~XXX~~. But you can be arrested or kicked out of school for actions which being disrespect for the national

Include section here on the new religious registration law.

The mother's meetings are really not tolerated any longer. As soon as the Moms assemble the cops move in the plaza and chase them away.

Might add that 44 persons have been granted the right of option since Xmas 1977.

Mention here should be made of the indictment going on of the leadership of the Radical party for issuing a "political communique":

GOVT ATTITUDE....

Should mention that FOWG has been helpful in only some cases, often it does not reply. This is the case for us and for other Embassies as well.

ICRC section -- better to say -- ... agreed to return after it was ~~given~~ permission to visit all prisons and military installations where PEN prisoners were held.

La Plata is the ONE prison where conditions have NOT improved as a result of the ICRC visits. It is the one place where there appears to be regular instances of prison guard brutality. The other prisons have shown improvements.

Mention should be made in this section of the pending IAHRC invitation to visit Argentina.

Also should mention the FONOFF press backgrounder re the UN human Rights Committee meeting. See HR Wrap Up.

That is a quick once over from here. The views are ofcourse my own worm eye perspective, but I trust that some of the comments will be h-elpful as you go forward in putting out another draft.

Many other things to write ~~XXXXX~~ but my fingers are worn to the bone.

Cheers,